REMARKS

I. INTRODUCTION

Claims 1, 9 and 55 have been amended. Support for the currently amended claims may be found throughout the Specification, such as, but not limited to, ¶¶ [0034]; [0046]; [0058]; and [0065] of the Patent Application Publication. Thus, no new matter has been added. Claims 16-39 have been cancelled. Thus, claims 1-15 and 40-60 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-15, 40, 41 and 43-60 stand rejected under 35 U.S.C. § 102(b) as being anticipated by "Linkers and Loaders, Chapter 6" by John Levine (hereinafter "Levine"). (See 12/31/08 Final Office Action, p. 3).

Claim 1 recites, "[a] computer readable storage medium including a set of instructions executable by a processor, the set of instructions operable to: receive a software module, the software module including references to locations within the software module, at least some of the references being backward references; and *reorder components of the software module into a predetermined order to remove at least some of the backward references, wherein each of the components includes one of a plurality of section types and the reordering of the components is based on the section type for each of the components*, wherein the components further include at least one of a header, a section, and a table, wherein the reordered software module includes the at least some of the backward references, and wherein the at least some of the backward references in the reordered software module are stored in a memory to avoid a nonsequential reading of the reordered software module." (Emphasis added).

The Examiner asserts that, "Levine discloses... reordering components of the software module into a predetermined order based on a type (i.e. objects being referenced) of the

components to remove at least some of the backward references." (See Id., citing Levine, pp. 5-6). Applicant respectfully submit that the Levine reference fails to teach or suggest components that include one of a plurality of section types and that the reordering of the components is based on the section type for each of the components, as recited in claim 1. For example, in the exemplary embodiment of Figures 1-4 of the Specification of the present invention, the predetermined order recited includes a module header 310, a program header table 320, a section header table 330, a section string table 340, an entry point table 350, a text section 360, one or more data sections 370, a symbol string table 380, a symbol table 390, and a relocation information table 395. (See Specification, pp. 5-17, Figs. 1-4). While other orders may be possible in other exemplary embodiments, one of skill in the art will understand that this order is clearly predetermined and based on section type of the component, and thus their corresponding functions. In contrast, the Levine reference describes a method wherein the obtained order is dynamically determined based on symbol references contained within the various components. (See Levine, pp. 5-6, § "Creating libraries"). As noted by the Board of Patent Appeals and Interferences, "the ordering in Levine (by the "lorder" program) is disclosed as *only* being applied to the input set of object file type..." (See Decision on Appeal, p. 6, ll. 18-21). (Emphasis in original). Therefore, Applicant respectfully submits that the Levine reference fails to disclose or suggest that "each of the components includes one of a plurality of section types," and, accordingly, also fails to disclose or suggest "reorder[ing] components of the software module into a predetermined order based on a type of the components," as recited in claim 1. Thus, this rejection should be reversed. Because claims 2-8 and 40, 41 and 43-54 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 9 recites "[a] system, comprising: a memory storing a reorder module configured to receive a software module including references to locations within the software module, at least some of the references being backward references, the reorder module configured to reorder components of the software module into a predetermined order to remove at least some of the backward references, wherein *each of the components includes one of a plurality of section types* and *the reordering of the components is based on the section type for each of the components*, the components further including at least one of at least one of a header, a section,

and a table; and a processor executing the reorder module, wherein the reordered software module includes the at least some of the backward references, and wherein the at least some of the backward references in the reordered software module are stored in a memory to avoid a nonsequential reading of the reordered software module." (Emphasis added).

Applicant respectfully submits that Levine does not disclose or suggest "the reordering of the components is based on the section type for each of the components," as recited in claim 9, for at least the reasons discussed above with reference to claim 1. Accordingly, this rejection should be reversed. Because claims 10-15 depend from, and, therefore, include all of the limitations of claim 9, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 55 recites "[a] computer readable storage medium including a set of instructions executable by a processor, the set of instructions operable to: receive a software module, the software module including components arranged in a first order, *wherein each of the components includes one of a plurality of section types* and a first one of the components including a reference to a location in a second one of the components, the second one of the components preceding the first one of the components in the first order; and arrange the components into a predetermined second order to produce a reordered software module so that the second one of the components is subsequent to the first one of the components in the second order, wherein *the arrangement is based on the section type for each of the first and second ones of the components*, wherein the components further include at least one of a header, a section, and a table, wherein the reordered software module includes at least one reference from a third component to a preceding component, and wherein the at least one reference from the third component is stored in a memory to avoid a nonsequential reading of the reordered software module." (Emphasis added).

Applicant respectfully submits that Levine does not disclose or suggest a "set of instructions operable to... arrange the components into a predetermined second order to produce a reordered software module so that the second one of the components is subsequent to the first one of the components in the second order, wherein the arrangement is based on the section type

for each of the first and second ones of the components," as recited in claim 55, for at least the reasons discussed above with reference to claim 1. Accordingly, this rejection should be reversed. Because claims 56-60 depend from, and, therefore, include all of the limitations of claim 55, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine in view of U.S Patent No. 6,185,733 to Breslau et al. (hereinafter "Breslau"). (See 12/31/08 Final Office Action, p. 9).

Applicant submits that Breslau does not cure the above-describe deficiency of Levine with respect to claim 1. Therefore, Applicant submits that claim 1 is patentable over Breslau. Because claim 42 depends from, and therefore includes all the limitations of claim 1, it is respectfully submitted that this claim is also allowable for at least the same reasons given above with respect to claim 1.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: October 9, 2012

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